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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Third periodic reports of States parties

ECUADOR

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PREFACE

1. The present report is the third submitted to the Secretary-General for consideration by the Committee since Ecuador signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women in December 1981.

2. The report consists of two main parts. The first provides information on Ecuador and the status of women in order to present an evaluation of the situation with respect to equality between the two sexes within a particular and complete chronological framework and under specific social conditions.

3. The second part provides specific information relating to articles 1 to 16 of the Convention.

4. Reference is also made to:

- The methodology used by Ecuador in preparing the report in accordance with article 18 of the Convention;
- The dissemination of the Convention in Ecuador;
- Public education in relation to the Convention.

Detailed statistics on the specific status of women in Ecuador are available in a reference document.

CHAPTER I

ECUADOR AND THE STATUS OF WOMEN

1. General information on Ecuador

5. Ecuador is a country of 260,670 km^2, with a density of 40 inhabitants per km^2. 1/ It is characterized by a diversity of physical and economic regions and peoples, a rapid pace of urbanization, with half the population living in towns, and, at 2.6 per cent, a high rate of population growth, though lower than in preceding decades.

6. In 1990, the population of Ecuador numbered 9,622,608 inhabitants. The farming sector is the key to the Ecuadorian economy. Alongside this activity, the mining sector, petroleum operations, manufacturing, electricity, gas, transport, communications and services have acquired a significant role in the economy.

7. Ecuador has the human and natural resources required to achieve sustained economic growth. Agricultural and marine resources are adequate, as are petroleum reserves, although the latter have not been sufficiently exploited.

8. In recent years, rapid growth in school attendance has been achieved at the primary and intermediate levels, placing the country "among those with the highest levels of education in the region". 2/ Needs remain, however, for greater coverage by the school-based and non-school-based subsystems, particularly in scattered villages that are difficult to reach and have a low population density.

2. Synopsis of the current situation in the country

2.1 Socio-cultural setting

9. Ecuador is a multi-ethnic and multicultural nation. The country is inhabited by whites, people of mixed race, Indians, aboriginal tribes and black communities. Indeed, it is estimated that some two million indigenous people live in the Inter-Andean, Amazonian and Coastal regions. Awakuaiker, Imbabura Quichuas, Salasacas, Saraguros and Tsachilas live in the Inter-Andean region; Cofanes, Sionas, Secoyas, Huaoranis, Shuaras, Achuaras, Alamas and Ingas live in the Amazonian region; and Chachis in the Coastal region.

10. As in all countries of Latin America and the Caribbean, the population of Ecuador is divided into groups that control the means of production and others that lead a marginal existence.

1/ Fourth Housing and Population Census, 1982. National Institute for Statistics and Census. Population Matters 2. CEPAR.

2/ Educational Development in Ecuador: Problems and Priorities, UNESCO, May 1986.

11. The phenomenon of marginalization can be observed in a variety of problem areas. The key ones are housing, overcrowding, disease and mortality, nutrition and diet, work and education.

Housing*

12. There are 1,576,400 housing units in the country, of which 787,200 are located in rural communities. The grand total comprises 141,000 rooms in lodging houses, 203,700 lean-tos, 163,600 farms and small rural shops, 49,000 huts and 3,000 hostels. The same grand total can be divided into 361,570 one-room units, 529,930 two-room units and 282,320 three-room units, meaning that only 25 per cent of housing units provide a certain degree of comfort.

Overcrowding

13. Urban centres are becoming increasingly crowded, turning into centres of congestion and lacking in comfort. Needy groups, after overflowing the absorption capacity of the towns, have invaded the hills, mangrove swamps, marshes, hillsides and farmland under cultivation. Of course, overcrowding is not just a phenomenon of the shanty town or the suburb. It is also a symptom of marginalization in rural areas.

Mortality and disease

14. The marginal urban and rural populations do not have the necessary access to medical facilities or health-care centres. Some 60 per cent of the persons in these population groups are without health services.

15. In 1980, there were 221 health-care units to serve a marginalized population of more than two million. In other words, each unit had to serve 3,500 people, a fact that shows the inadequate coverage.

16. Official figures indicate that there are 15,400 hospital beds, i.e., one bed for every 600 persons. Records also show that 90 per cent of all nurses are employed in urban areas and that scarcely 10 per cent work in rural areas.

17. The mortality rate in Ecuador forms a U-curve, beginning with a high rate at birth, which falls rapidly after the first year of life until it reaches its lowest level in the 10-to-40 year age group, before rising again slowly up to 54 years, and soaring rapidly from that age on.

18. The infant population, consisting of children of up to the age of five years, and women between the ages of 15 and 49 years are exposed to the highest risk. Mortality among infants up to the age of five years accounts for 45 per cent of all deaths, and about 500 mothers die every year from causes connected with pregnancy, delivery and post-natal complications. In the cities of Quito and Guayaquil, infant mortality is in the order of 67 per 1,000 live births, while in marginalized zones this indicator rises to 122 per 1,000.

19. Infant mortality is caused mainly by gastro-enteritic and bronchial diseases, whooping cough, measles and tetanus.

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* Fourth Population and Housing Census, 1982. National Institute for Statistics and Census.

20. Mortality in general is not just a question of biology. It is also a socio-economic phenomenon caused by the lack of adequate nourishment, preventive medicine, timely medical treatment, prenatal, perinatal and post-natal care, and resources with which to provide housing with basic services.

21. The main causes of sickness and admissions to hospitals and health centres are infectious diseases, intestinal diseases, diseases of the circulatory system, tuberculosis, malaria, bronchitis, hernias, pneumonia, tumours, obstetric infections and injuries.

The nutrition and food situation

22. Malnutrition is a serious problem in Ecuador. Special studies estimate that some 1,500,000 Ecuadorians - infants under five years of age, pregnant women and nursing mothers - suffer from some form of malnutrition owing to lack of an adequate diet.

23. If children of school age and other adults suffering from malnutrition are added to this group, the figure is alarming. Studies show that "40 per cent of schoolchildren are undernourished and, in tropical zones, 45 per cent of the population is anaemic". There is no question that, particularly among poor people, malnutrition exists. It is clear that greater availability of cheap food and the opportunity to earn better and more fitting wages will lead to lower levels of malnutrition.

24. There is no doubt that population growth and development are directly related to the production of and demand for food and thus to the proper diet or malnutrition of the inhabitants of a region, province, canton and community. However, while it is certainly true that more food should be produced in order to tackle the hunger afflicting extremely poor groups, this problem will not be overcome until families suffering from malnutrition are given the opportunity to earn a satisfactory income.

The labour situation

25. In correlation to the demographic and educational problems, there exist the social phenomena of underemployment and unemployment. Unskilled and unemployed human capital is a sign of marginalization.

26. In 1982, the population of Ecuador was 8,060,000 inhabitants. Of those, 4,285,000, representing 51 per cent of the total population, were capable of working. However, the economically active population was only 2,346,000.

27. The fact that 800,000 people did not have a job or were underemployed reflects a serious social and economic situation. This fact, in other words, means that one in three people making up the economically active population was out of work or underemployed. The absolute figures have varied but the ratio has remained virtually the same.

28. Surveys confirm that the workforce in Ecuador is concentrated in agriculture, public works, services, crafts and small industry. This labour is provided, in most instances, by people from the so-called working-class segments of the population.

29. Although all these people face common problems, there are variations in standards of living, lifestyles and income levels. Some do not earn the minimum wage or additional pay or benefits, and do not enjoy paid holidays or other incentives.

30. In particular, the status of the agricultural worker is affected by the existence of large holdings.

31. The modernization of agricultural work, through the introduction of labour-saving methods, is the general trend on most estates, weakening the traditional labour relationships and gradually turning the countryside into mere neighbourhoods that are ill-suited to the economic needs of the average farm-worker and his family.

32. For town and rural workers in general, unjust wages at barely the subsistence level are forcing women and children, to the detriment of their genuine obligations and interests, to contribute actively to the support of their households by working on shrimp farms, at banana-packing plants, as street vendors and in domestic service.

33. The social environment described above is such that, if the basic necessities of the marginalized population are to be met and its standard of living raised, social policy must be based on the following general principles:

(a) The search for solutions to the problems facing Ecuadorian society must rely on an integrated intersectoral and interinstitutional approach;

(b) Social and welfare policies, especially those aimed at the marginal sectors most affected by the crisis, must be a priority concern of the Government. In this context, there must be genuine commitment and urgent action to tackle the problems of women and young people in order to save generations whose survival is threatened;

(c) It will only be possible to overcome the underdevelopment and economic dependence to which the country is subject when a way is found to achieve a balanced relationship between internal and external forces.

2.2 The economic environment 3/

34. Ecuador, as an underdeveloped and dependent capitalist country, is currently going through one of the greatest socio-economic crises in its history, with an inflation rate of 27.3 per cent in 1986 and 55 per cent in July 1988, and an external debt of 10,536 million sucres.

35. While many of the causes of the crisis derive from the international recession, it is no less true that they are also a result of the playing out of the current development model, which has brought increasing relative importance of the foreign trade sector through petroleum exports and excessive dependence on foreign capital. The expectations raised by the

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3/ Ecuador: Guidelines for a Development Strategy. Secretary-General for Planning, CONADE, 1984.

industrialization process with regard to breaking the dependence of the traditional Ecuadorian economy on the external sector, diversifying the production system, promoting the internal conditions for wealth accumulation and improving the balance of payments have been frustrated in recent decades.

36. There are serious distortions in the industrialization process, which, because of its requirements for raw materials, intermediate goods and imported capital, has involved more the consumption of foreign exchange than the generation of savings and has encouraged the use of labour-saving technology that, in addition to preventing a reduction in current underemployment rates, has blocked the first moves towards integration with other sectors of the economy, especially farming.

37. Despite the changes it has undergone in recent decades, the agricultural sector, which has traditionally been a generator of foreign exchange through primary production for export, shows the lowest sectoral growth rates, low productivity, improper land use, and a high level of underemploymemt.

38. In the 1970s, petroleum trading produced a significant leap in the value of exports, "which grew more than sixfold between 1972 and 1979 from US$ 21 million to US$ 151 million". This favourable situation in the external sector of the economy was reflected in greater installed industrial capacity and in the undertaking by the State of sizeable public projects that made it possible to eliminate a number of structural problems. These projects inevitably led to a balance-of-payments deficit.

39. Subsequently, in the face of the fall in oil prices on the international market, there was a worsening trend in the foreign payments situation. In recent years, the use of foreign credit has made it possible to maintain a favourable level of payments, but at the cost of expanding the deficit and passing it on to the future at a level hitherto unknown in the country.

40. Since 1982, the country has been faced with a difficult situation due to the suspension of the loans assumed earlier on unfavourable terms. This situation is reflected in the current-account deficit, which rose from US$ 614 million in 1980 to US$ 1,064 million in 1982, and in the severe drop in international monetary reserves which fell from US$ 858 million in 1980 to US$ 151 million by the end of 1983.

41. It is clear that following the continuous decline in the rate of economic growth, restrictions on access to credit provoked a crisis in 1982 and 1983. The crisis was compounded in 1983 by the disasters caused by the harsh winter, which everywhere damaged farming production.

42. To deal with this inherited crisis, the present Government resorted to specific measures, such as devaluation of the currency, import restrictions and austerity in refinancing the external debt.

43. The growth in exports of petroleum, shrimp, bananas and cocoa, along with a number of measures adopted, resulted, until 1986, in a recovery in the balance of trade and a noticeable economic revival. Unfortunately, this growth suffered a serious setback due to the natural disaster of March 1987, which, among other consequences, brought oil exports to a standstill and made it necessary to mobilize the Civil Defence and all the nation's community and economic forces in a cooperative effort to tackle the social and economic problems of the stricken areas.

44. Moreover, the economic decline in the last few years has resulted in a drastic reduction in the capacity to generate new jobs, adding further pressure to the rise in unemployment and underemployment rates, already a characteristic feature of the decade.

45. In the same way, the search for ways to repay the country's external debt has led to a rise in inflation, with repercussions on the economic situation of the poorest families, which, combined with the problems encountered in generating jobs, is threatening to trigger a massive deterioration in the living standards of large sections of the population.

46. The facts briefly described above point to a critical outlook for the country in the next few years. The scarcity of economic resources is an underlying problem of the economy, signalling a reduction in the funds available to the State for investment, especially in the social sector.

47. Under these conditions, women and young people, especially in marginal areas, are the most affected groups in terms of their opportunities for survival and development.

The status of women in Ecuador

1. Population statistics

48. In 1982, the Fourth Population and Third Housing Census were carried out. These showed the changes that had occurred since 1974 in the demographic, economic and social structure of the country.

49. The population in 1982 numbered 8,060,712 inhabitants. Of these, 4,021,034 were men, representing 49.9 per cent, and 4,039,678 were women, i.e., women accounted for 50.1 per cent of the population of Ecuador.

1.1 The female population

50. Between 1950 and 1982, the total population of the country grew by 152 per cent, rising from 3,100,000 to 8,060,712 inhabitants over a period of 32 years.

51. The female population rose from 1,600,000 women in 1950 to 4,039,678 in 1982, i.e., it increased by 150 per cent.

52. It should be noted that the female population has almost always formed half the population of Ecuador.

1.1.1 The number of inhabitants by sex is in balance at the national level

53. If the ratio for different age groups is compared, variations can be seen. For example, up to the age of 14 years, there are more men than women. This is due to a greater number of births of male children. Conversely, from the age of 14 years onwards, the number of women exceeds that of men, owing to a higher death rate among men, a phenomenon that becomes increasingly marked at advanced ages.

54. From the age of 60 years, the number of men decreases noticeably. Thus, in 1950 there were 73.8 men for every hundred women and in 1982 the ratio was 84.5 to 100.

55. For the population as a whole, there have always been fewer men than women.

1.1.2 The female population by age group

56. One feature of the population of Ecuador is that it is predominantly young. With regard to the female population, out of the country's total population (men and women), 23.8 per cent are women of child-bearing age (i.e., between 15 and 49 years), representing a total of 1,914,565 women.

1.1.3 The female population by areas

Urban area

57. In 1950, 479,462 women were living in urban areas. By 1982, the urban female population had risen to 2,039,678. The increase over the period 1950-1982 was 325 per cent, for an annual growth rate of 4.5 per cent.

Rural area

58. In 1950, 1,128,492 women were recorded as living in rural areas. By 1982, that figure had increased to 2,000,000 women, for an annual growth rate of 1.8 per cent.

59. The increase in the period under study was only 77 per cent in rural areas, compared with 325 per cent in urban areas. This is an indication of the rapid urbanization of the Ecuadorian population, caused mainly by migration, mostly of women from the countryside to the towns. The same trend is also reflected in the women-to-men population ratio by area: in rural areas, there are 49 women for every 100 inhabitants as opposed to 52 per 100 in urban areas.

2. Infant mortality by sex

60. During the period 1950-1955, an annual average of 139.5 deaths of infants under one year of age were recorded for every 1,000 live births.

61. In the same period, the number of female infant deaths was 128.1 per 100, compared with 150.5 for boys. In the period 1970-1975, infant mortality fell sharply, but infant mortality for boys was 105 per 100, compared with a rate for girls of 86.2 per 100.

62. Infant and maternal mortality in the country continued to decline over the 1980-1985 five-year period.

3. Female life expectancy at birth

63. In 1950, the life expectancy of Ecuadorian women at birth was 48 years. By 1982, it had risen to 66 years, a figure more or less comparable with the Latin American average, which is 66.3 years.

4. Fertility

4.1 Overall fertility rate

64. Over the period 1960-1965, the overall fertility rate was 6.9 children per woman. In the period 1980-1985, it was 5.0 children per woman.

4.2 Gross reproduction rate

65. In 1985, the gross reproduction rate in Ecuador was 2.4 children per mother at the end of the reproduction period, a high figure when compared with that of other developing countries (2.0) and much greater than that of the developed countries, which between 1960 and 1965 recorded 1.0 child for each mother registered in the country.

5. Education

5.1 Female literacy

66. Literacy training has been progressing in the country, but discrepancies can be seen when the figures are broken down according to sex.

67. There has been a notable decrease in the number of illiterates among males, but the decrease among women is negligible. For example, in 1962, out of a national total of 918,030 illiterates, 520,072 were women; in 1982, the total number of illiterates fell to 844,534, of whom 501,565 were women. This means that in 20 years the number of illiterate women dropped by a mere 18,507.

68. The rural sector reveals the marginalization to which it is permanently subject, and within that sector the women, since it is there that to a large extent the most needy are located.

69. In 1982, out of a total of 166,814 urban illiterates, 109,793 were women.

70. In 1982, out of a total of 677,720 rural illiterates, 391,772 were women. In other words, in urban areas, seven out of every 100 women over the age of 10 years cannot read or write.

71. In the rural areas, 29 women out of every 100 are illiterate.

5.2 Education and fertility

72. The level of education attained by women is directly related to fertility in marriage.

73. Thus, in 1985, mothers without any education had an average of 8.6 children. Women with an incomplete primary education had 7.9 children. Women who had completed primary education had 5.6 children. Women with incomplete secondary education had 3.8 children. Women who had completed secondary or higher education had 3.0 children.

74. There is, therefore, an inverse ratio between education and number of children.

6. The economically active female population

75. In 1962, the economically active population (EAP) totalled 1,443,000 persons, of whom 235,000, or 16.3 per cent, were women.

76. In 1982, the national EAP stood at 2,346,000 persons, of whom 484,000, or 20.6 per cent, were women.

77. These figures show that women are gradually becoming integrated into the production sectors of the country, the most highly represented group being women in the 20-to-34-year bracket.

7. Electoral participation

78. Although the law provides for equality between men and women as regards their participation in political life, as voters or candidates, social and ideological conditions are such that women participants are in a minority, particularly as candidates.

79. In 1984, 9.06 per cent of the candidates standing for election were women and a mere 2.5 per cent were elected.

80. In 1988, this percentage rose to 16.5 per cent, with only 6.98 per cent elected, the observable tendency being to put forward women as candidates for secondary or deputy posts.

8. Presence of women in managerial posts

81. In this area, the achievements of women in Ecuador are equally sporadic, although progress is gradually being made.

82. In 1969, the Under-Secretary for Education was a woman. In 1979, two women were appointed to important posts in the public sector, one as Minister for Social Welfare and the other as Under-Secretary for Natural Resources.

83. In 1984, 20 per cent of executive-level posts were held by women, and only 3.7 per cent in top management.

84. These data support the conclusion that the society in which we live does not ensure equal access of women to all fields of public activity, and even less to the managerial level.

85. Society's re-education task involves all institutions and persons, men and women, aware of and committed to the urgent social change the country needs. Democratic openness and participation by all social sectors in the distribution of wealth is a right that all Ecuadorians, especially women, must defend.

CHAPTER II

CONSIDERATION OF THE ARTICLES OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

86. From the definition of discrimination given in this article we infer that discrimination against women on the basis of sex can be expressed in three different ways, each of them in contravention of the principle of equality of men and women: distinction, exclusion or restriction for reasons of sex in any field: political, economic, social, cultural, civil, etc.

87. This definition reveals the variety of possible kinds of discriminatory behaviour, alerting Governments and women to the possible existence of veiled forms of discrimination that are not easy to detect.

88. Article 19 of the Ecuadorian Constitution states: "every person enjoys inviolability of his life, personal integrity and the right to his full material and moral development, torture and all inhuman or degrading treatment being prohibited". Concerning the right to freedom of opinion, the right to honour and good reputation, it very clearly establishes equality before the law and states: "women, whatever their marital status, have equal rights and opportunities with men in all areas of public, private and family life".

89. The Constitution further establishes that "these constitutional guarantees cannot be changed by any person, whatever his authority or powers", since the Constitution is the fundamental charter of the State of Ecuador, to which all national laws are subject.

90. This definition of discrimination addresses both such acts as are intended *per se* to discriminate against women, and also any process whose effect is discriminatory, both cases falling under the provisions of the Constitution.

91. Despite the fact that the principle of equality between men and women is protected under the Constitution, discriminatory laws remain on the books in Ecuador and, what is more important, as a practical matter discrimination and subordination of women form part of the so-called "patriarchy". This is a system of social, family, political or ideological oppression of women by men that has been sustained throughout history by tradition, custom, customary and positive law, language and education.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

92. The provisions of this article establish the concepts of legislative discrimination and real discrimination in the form of everyday acts and omissions. This article stresses the duty of States parties to adopt all appropriate measures to eliminate both types of discrimination, referring both to legislative and other measures and to government protection as well as to that of other institutions.

93. In legal terms, it should be emphasized that the equality of men and women as regards their rights and duties is recognized by the Constitution. Despite this, there are still instances of legislative discrimination in the Republic of Ecuador, which are currently the subject of proposed reforms. The main obstacle encountered in combating discrimination has for a great many years been rooted in "machismo", as reflected in social and cultural practices.

94. Against this background, as long ago as July 1983 the Constitutional Court, exercising its powers under article 14 of the Constitution, suspended the effects of certain discriminatory provisions of the Civil, Commercial and Criminal Codes.

95. In that same year of 1983, the Office of the Superintendent of Banks and Companies issued two orders on the participation of women as shareholders in companies, orders that have legal force in the areas under its jurisdiction.

96. In the legal area, the Ecuadorian State can look back, over the last decade, at the following accomplishments:

In criminal law, it eliminated the offence of adultery, under which women were treated more severely than men (final article of the codification of the Code of Criminal Procedure, Official Gazette No. 511 of 10 June 1983).

In labour law, it passed the Federation of Female and Male Nurses Act, the title of which [in Spanish] is remarkable in that, in recognition of the fact that nursing is a predominantly female profession, the usual grammatical rule according to which the masculine plural refers to both males and females was broken and a separate word for "female nurses" was added (Official Gazette No. 654 of 4 January 1984).

In civil law, it passed the law governing cohabitation in the form of de facto unions, which mainly benefits the female partner in respect of the property of the couple (Official Gazette No. 339 of 29 December 1982).

In addition, on 18 August 1989, the National Congress approved 81 amendments to the Civil Code aimed at maintaining legal equality between men and women within marriage in the administration of the conjugal property, in the exercise of mutual and responsible parenthood by the spouses, in the area of marital rights and obligations between spouses, in parental authority and the termination of the marriage, etc., amendments that have already been discussed in the previous report submitted to CEDAW.

In the same connection, on 2 August 1990 the provisions governing the administration of the conjugal property were partially amended and drafting errors that had slipped through the preparation and publication of Law No. 43 of 18 August 1989 were corrected. This new reform also incorporates the most important comments made by public and private institutions and the opinions of distinguished lawyers. **Eleven articles of the Civil Code were amended.**

Despite these legal reforms on behalf of women, there are two **Executive Regulations** (on orphanages and children's nurseries) that are in clear conflict with the principle of non-discrimination against women. Accordingly, in the case of children's nurseries, a draft law intended to remove this discrimination already exists. With regard to orphanages, it is the responsibility of the executive branch to repeal this unconstitutional law, which violates women's rights.

On 13 September 1988, after long and constant pressure by women's organizations, the Special Commission for Women, Children and the Family was constituted. The Commission's efforts are reflected in four or five draft laws, one of which was finally approved and became the aforementioned Law No. 88 of 2 August 1990. It is hoped that the remainder will be approved in the future.

97. The subject-matter of these bills is briefly described below:

Law to reform the Electoral Law (No. 1-88-79)

This reform is intended to ensure effective participation by women in politics. To that end, it requires that a minimum of 25 per cent of the candidates on the lists submitted for elections involving more than one person must be women. This ratio is to be observed in the case of both principals and alternates.

Law to reform the Criminal Code (No. 11-90-228)

The Parliamentary Commission for Women, Children and the Family convened a workshop on legal reforms to the Criminal Code, at which, for the first time, women had the opportunity to put forward reforms aimed at eliminating the instances of sexual discrimination that, despite the provisions of the political Constitution, still remain in our legislation.

This draft law contains 30 articles containing amendments to 23 provisions of the Criminal Code and is designed not only to eliminate traditional, unconstitutional and clearly patriarchal discrimination against women, but also to introduce new offences categories, such as sexual harassment by supervisors and employees in the **private sector.**

In addition, some of the suggestions proposed in respect of sexual offences have been included: incest has been reincorporated as an offence; in articles in which victims are referred to in the feminine, they are also mentioned in the masculine and vice versa; reference is made not only to the spouse but also to cohabitant, since de facto unions are legally recognized.

In relation to the offence of rape, specific reference is made to supervisors, bosses, directors, teachers, officials, employees and public servants. The concept of rape by one of the partners in a stable couple, whether or not they are married, is introduced.

It is further suggested that the meaning of assault should be spelt out so as to avoid uncertainty in the law, such as occurs in respect of indecent assault, which article 505 describes as any indecent act **that may cause offence** but stops short of sexual intercourse.

There are also a number of proposals calling for explicit legislation on commonplace acts that mainly affect women and minors of both sexes.

Law to reform the Code of Criminal Procedure (No. 1-89-190)

This reform is designed to eliminate the procedural provisions (articles 28 and 35 of the Code of Criminal Procedure on private accusations and indictments) that prohibit victims of offences committed by members of their own family from taking the necessary action to punish the offender. In the preambular paragraphs, it is stated: "that specific offences and illegal acts committed against the members of the family, that is, by the very persons who have the duty to protect and respect them because of their high degree of responsibility, cannot go unpunished".

Law to reform the Labour Code

The fundamental legislative problem concerning work performed by women is that women's work is equated in the legal rules with the work of minors, when in fact the realities for both groups are different and both groups work under different conditions. For this reason, we believe that there should be separate rules governing their work.

A draft reform of the Labour Code is currently being discussed in the Congress. We should like, in connection with it, to single out the following reforms:

- With regard to the rights of pregnant women, we see that article 91 of the Labour Code provides: "Confinement guarantee. There may be no retention or attachment of a woman's wages or salary during a period extending from two weeks before to six weeks after her confinement". In this connection, the draft reform, in accordance with ILO Convention No. 103 on maternity protection, which has been ratified by Ecuador, extends the period of maternity leave to 12 weeks, divided into two periods: four weeks prior to confinement and eight weeks following. During this period, women are to receive full remuneration.

  The same period of 12 weeks provided for in the draft reform of article 91 of the Labour Code also applies to the provisions of article 153 on work prohibited to female staff and also to article 154 on the protection of pregnant women, by stipulating that a woman's work contract may not be terminated on grounds of pregnancy and her employer may not replace her permanently during the period of eight weeks established in the previous article, except when the employer can first prove the existence of a just cause, as provided for in the Labour Code. During this period, the woman shall be entitled to receive full remuneration, except as contemplated in the Law Compulsory Social Security Act, provided that it is equal to or greater than the **benefits** provided in this Code.

  This period further applies to article 155 on incapacity to work due to pregnancy or confinement, where it is stipulated that if the woman remains absent from work for more than a year owing to serious illness caused by confinement or pregnancy, the employer may not regard her employment contract as terminated. Without prejudice to the possibility that collective labour contracts may stipulate a longer period, remuneration shall not be paid for the time in excess of the eight weeks (12 under the reform) provided for in the preceding article.

- Concerning nursery facilities and nursing:

  A female worker shall have the right to two hours per day for nursing during the nine months following confinement. If there is a nursery in the enterprise, the mother shall, during the same period, have 15 minutes every three hours for nursing.

  Paragraph 1 of article 156 of the Labour Code provides that "in permanent enterprises with 50 or more employees, the employer shall provide, adjoining or near the enterprise or place of work, an infant nursery service to look after the children of employees, providing free care, food, premises and equipment for this service". The regulation to give effect to this article, issued under Decree No. 718 (Official Gazette No. 179 of May 1985) and amended by Decree No. 1017-A (Official Gazette No. 256 of 23 August 1985), includes provisions that appear "to be aimed at protecting the working mother and children in her care". In reality, however, there has been a serious attack on the acquired rights of working mothers in that the regulation provides, in article 5 as amended, that the enterprise is required to provide the nursery service only when it has "at least 50 female employees" ("trabajadoras").

  This regulation is contrary to the law, which requires "50 employees in total, male and female" ("trabajadores"). The mere replacement of the one letter "e" by "a" vastly reduces the number of enterprises

that must comply with this requirement. This major injustice is addressed in the draft reform of the Labour Code, which seeks to amend the article so as to provide that "50 employees in total" ("trabajadores") are the minimum required under the law.

- Concerning the equating of women's work with the work of minors:

  Article 29 of the Labour Code expressly prohibits the recruitment of women and minors under 18 years of age for work outside the country. The reform proposes to delete from this provision the words "women and".

  Article 138 of the Labour Code prohibits night work by women and by men under the age of 18 years, except in domestic service.

- Concerning sanctions:

  The draft reform of the Labour Code seeks to amend articles 149 and 157, replacing in article 149 the amount of 10,000 sucres by the phrase "from one to three times the basic minimum wage" and, in article 157, deleting the words "from 50 to 500 sucres" and replacing it with the phrase "the sum equivalent to half to twice the basic minimum wage".

- Finally, this draft reform would eliminate article 258, paragraph 1, and article 262 of the Labour Code which refer to such anachronistic situations as employment as housekeeper, cook, governess, valet, maid, wet-nurse and the like.

  Although the law recognizes the principle of equal wages for equal work, the work performed by women outside the home is less well-paid than that of men. This originates in the old idea that there are different jobs for each sex, so that there are female jobs and male jobs. In addition, the housework performed by women at home is not valued as such, and is therefore unpaid. Women have been educated in this belief, so that even they do not value their work. All this highlights the need for a genuine cultural revolution that abandons the beliefs of the patriarchy in order that women may cease to be victims of a culture that discriminates against them.

  Together with the draft reform of the Labour Code, Congress is being presented with a draft reform of article 59 of the Civil Service and Administrative Careers Act concerning the rights of public servants. The reform seeks to extend the maternity protection provisions in articles 153 to 156 of the Labour Code to female personnel working in the public sector.

  With regard to social security, the Ecuadorian Social Security Institute has issued a series of regulations benefiting Ecuadorian women, but there are still a number of articles that should be amended in the interests of more effective implementation, so that the progress sought by Ecuadorian women protected by the social security system can be achieved.

  Article 23 of the Political Constitution governs monogamous and stable de facto unions between men and women outside of marriage with entitlement to social security benefits.

There is also a regulation to provide baby clothing or the equivalent in cash for participants in the social security scheme with maternity entitlements. The cash payment is equivalent to 75 per cent of the average basic minimum wage currently in effect in the country.

The Social Security Act contains provisions on maternity insurance, sickness and maternity benefits and medical care for infants during the first year of life.

With regard to pensions for working women, the Ecuadorian Social Security Institute shall be required to provide a working woman who so requests, once she has made 300 contributions, with a pension equivalent to 100 per cent of her average best salary or wage over the last five years, regardless of age, without any quota adjustment and restricted only by the limits in force at the time when the female employee claims this entitlement. In actual practice, this law is not being implemented owing to the foot-dragging of employers and the lack of liquidity in the Social Security Fund to meet these obligations.

There is a long list of laws intended to bring about the full equality of women and the recognition of their legitimate rights as human beings and first-class citizens.

- The main draft laws are the following:

  - No. 1-84-091: Law to Eliminate Discrimination and Recognize the Rights of Women, which proposes amendments to the Civil, Commercial, Labour, and Criminal Codes and Notarial Law;

  - No. V-84-64: Law on Legal Equality of the Sexes, with amendments to the Civil, Criminal, Commercial and Labour Codes and to the Civil Service and Administrative Careers Act;

  - No. 1-85-202: Amendments to Book I of the Civil Code;

  - No. 1-85-203: Introduction of social security coverage for housewives;

  - No. 11-85-12: Law to Eliminate Discrimination and Recognize the Rights of Women, with amendments to the Criminal, Civil and Commercial Codes;

  - No. 111-87-191 and No. 11-89-049, amending the Labour Code.

All these bills deserve to be allowed to complete the required constitutional procedures and become laws of the Republic. The task will be a matter not only for legislators, but it will be up to government departments and NGOs to take appropriate action.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

98. It is of fundamental importance that there should be mechanisms for monitoring the status of women in all sectors and checking that the rights and freedoms recognized in the Constitution are implemented. To this end, and as a result of the Decade of Women, the National Office for Women was set up in 1975 and later elevated to the status of National Directorate for Women on 9 May 1986.

99. The experience gained from the operation of this Directorate shows that it is absolutely essential that it should continue to exist as a body to coordinate and promote appropriate actions for the advancement of women. The same experience, however, has highlighted the fact that progress in achieving equality between men and women requires a level of services beyond the scope of a national directorate. That is why a draft law is currently being prepared to establish a National Institute for Women. The preambular section of this bill states:

> "that it is a duty of the State to integrate women fully and on equal terms into national life, through policies permitting the coordination of actions by the various governmental, non-governmental and social sectors working in this area; and that the problems of women in Ecuador are aggravated by a lack of policies and the absence of the kind of soundly-based, administratively autonomous and financially independent institutions that can work constantly for the comprehensive advancement of women."

100. With regard to the management and administration of the Institute, the draft law proposes to base the organization of the Institute on two governing bodies:

- The Ecuadorian Council for Women;
- The Board of the Institute.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

101. This article establishes an exception to the concept of discrimination laid down in article 1 of the Convention, permitting States parties to adopt "temporary special measures" in order to correct the imbalances caused by centuries of discrimination against women and to accelerate real equality between men and women. It also states that special measures for the protection of maternity are not to be regarded as discriminatory.

102. In this respect, the State of Ecuador has not taken any special measures of "positive discrimination in favour of women". Only in the Labour Code are there special provisions relating to pregnant female employees and nursing mothers. These have already been analysed in the comments on article 2 of the Convention.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

103. This article highlights the importance of social, cultural and educational patterns as determining factors in the existence of discriminatory practices against women.

104. In Ecuador, a set of beliefs, values, standards and customs that have developed in the course of history, giving rise to rigid and differentiated functions and roles for both men and women, continues to exist. At the present time, however, there have been some structural changes that are modifying women's spheres of activity, even though it has not been possible to eliminate certain cultural practices. Many beliefs reinforcing the subordination of women remain very much alive, so that women continue to be the objects of discrimination.

105. Women are an essential component of society but are still subject to a range of prejudices that relegate them to a status of second-class citizenship, victims of a culture that discriminates against them.

106. In the case of indigenous and black women, the situation is aggravated by the fact that they are discriminated against because of their social position, because they are women and because of their cultural practices.

107. The work performed by women in the home is not valued or remunerated, since it does not produce goods for sale. It is regarded as work natural to their sex. Women have been educated in this belief to such an extent that, when asked if they work, they answer no. Women have been persuaded that man is the producer, that his work has a value and that women are merely consumers.

108. Work performed by women outside the home is lower-paid than men's work in line with the belief that men have an obligation to support their family and that women's work is complementary. This belief has its roots in the old idea that there are different functions for each sex, so that there are "women's jobs" just as there are "men's jobs".

109. Occupations regarded as feminine are extensions of work performed by women in the home. The largest segment, 41.8 per cent, of the economically active female population works in the service sector. Women's presence in the manufacturing sector is smaller and is mainly concentrated in rural areas, especially the Sierra, where it is closely linked to traditional crafts, as practised in particular by indigenous ethnic groups.

110. Women face a vicious circle since their activities in the home limit their opprtunities to acquire special skills, thus also limiting the type of work they can apply for. For this reason, it is difficult for them to find highly-paid jobs, since such work requires high levels of qualification.

111. The situation of women in the country is even more difficult. To their household tasks are added care of the garden and the animals. Owing to the changes that have taken place in rural areas, there is a heavy migration of men to the towns in search of work, leaving women as heads of families with all the related family and economic responsibilities.

112. The majority of women of school age barely complete primary education. In addition, there is a high drop-out rate among girls.

113. Educational discrimination is greatest in rural areas, where most of the female population is illiterate. Because of the economic and cultural situation, boys are more encouraged to attend school than are girls.

114. The causes of this discrimination are partly economic, but the main cause is cultural. Traditionally, and as a matter of prejudice, it is believed that women do not need to study in order to take care of the housework.

115. Health is another area where women are hard hit. It is true that the majority of the population is denied the right to health, but women have special needs for care.

116. Discrimination against and subordination of women form part of what is called the "patriarchy", which rests on the principle of a division of labour under which activities and attitudes particular to each sex are established. This is a form of violence against women and indeed the most important one.

117. There are no statistical data in Ecuador on cases of physical violence inflicted on women. This is due to the fact that, in general, women themselves conceal such cases and do not report them.

118. They occur in all socio-economic strata. Women believe that it is their role to suffer this kind of aggression and mistreatment, with the result that domestic violence goes on unreported. The same is true of rape, because when it is reported, the woman is generally blamed for having enticed her assailant.

119. There is also violence in denying women the exercise of their rights, including those of political participation, speech and the expression of their opinions, health and education.

120. In the last decade there have been a series of measures aimed at promoting women in all areas of social life. At the present time, the National Directorate for Women (DINAMU) has designed a plan of action to redirect its activities on behalf of women, since it needs a clear-cut work programme if it is to perform its functions and achieve its objectives. This plan is mainly targeted at low-income women, in both rural and urban areas, and is intended to strengthen the processes of organizing women's groups and to carry out education and training programmes to enable women to analyse and reflect on the conditions in which they live and to seek solutions.

121. Having analysed the status of women in this way, we can conclude that equality of the sexes is a very long way from becoming reality in Ecuador. We must all, men and women alike, fully understand what causes oppression of and discrimination against women in order to undertake together the task of changing our attitudes towards life.

122. The State and non-governmental organizations are active, working at the family level, in the educational system and through the communications media in ways to enhance the social status of women.

123. Up to now, there have been a series of seminars and workshops, television spots, and pamphlets aimed at altering discriminatory thinking and practices in a country where, as is the case in Ecuador, the weight of culture and tradition accounts for so much.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

124. Nowadays nobody argues with the proposition that the economic situation is the most important cause, directly or indirectly, of prostitution. The economic roots of prostitution are so clear that it is considered more a labour problem than a moral issue.

125. In Ecuador, the social causes of prostitution are many: migration from the country to the towns, rape of young country girls by their employer, deception, seduction, family desertion by husbands or fathers, all of these are causes of prostitution, but in general poverty is the most decisive factor.

126. In Ecuador, it is not an offence to engage in prostitution, but it should be emphasized that in our country people who do so, especially women, are regarded as a blight on society. Because of "machismo", there is a double standard, which explains why article 525 of the Criminal Code states that "a person who receives women in his house in order that their bodies may be abused there shall be punished by a prison term of three to five years, unless that person is the manager of a brothel established in accordance with the regulations laid down by the authorities for such establishments".

127. This clearly demonstrates that society seeks out, encourages, promotes and legalizes the existence of prostitutes and in this way encourages the traffic in women.

128. The Health Code is also contradictory on this point since in article 77 it first states that prostitution is prohibited but then goes on to add that prostitution is tolerated in closed premises. It further states that persons engaged in prostitution must periodically undergo medical examinations, and that brothels, houses of assignation and prostitutes must obtain a health permit.

129. In summary, the business of prostitution is perfectly tolerated in Ecuador and permitted under the law.

130. Under the current Government, the National Directorate for Women is concerned to study the problem of prostitution and the social rehabilitation of these women.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

131. This article requires States parties to the Convention to take appropriate measures to eliminate discrimination against women in political life.

132. In Ecuador, women acquired the right to vote in the July Revolution of 1925, but did not exercise it until 1929. Then, thanks to Matilde Hidalgo de Prócel, women entered politics for the first time in Ecuador.

133. The Constitution of Ecuador guarantees the right to freedom of opinion, conscience and religion, individual or collective, public or private. Article 19 states that "the vote is universal, equal, direct, secret and mandatory for all persons who can read and write and optional for illiterates. The right to vote shall be enjoyed by all Ecuadorians who have reached the age of 18 years and are in enjoyment of their civil rights".

134. The current legislation lays down equal requirements for men and women aspiring to elected office. These requirements for each female or male candidate are:

- To be an Ecuadorian by birth;
- To be in posession of one's civil rights;
- To be a member of one of the political parties.

135. In addition to these general requirements, there are special requirements for election to the position of President of the Republic. They are:

- To not be under 35 years of age;
- To be elected by a majority of votes cast in direct, universal and secret ballot.

136. The minimum age requirements for candidates for national or provincial deputy are 30 and 25 years, respectively.

137. Women have the same rights as men to participate in political parties, non-governmental organizations and associations concerned with the public and political life of the country. In this respect, we do not observe discrimination against women by virtue of their political activities or their membership of women's organizations.

138. Moreover, women held in preliminary detention or in prison on political charges are not mistreated or sexually abused.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

139. This article asserts the principle of equality of opportunity for women to act as representatives of their country and participate in the work of international organizations.

140. There is no legislative impediment in Ecudaor to prohibit or restrict the participation of women in international organizations, in the councils or committees of these organizations, or in councils and committees at the national level.

141. At present, Ecuador has 53 career ambassadors in the Foreign Service, of whom two, or 3.76 per cent, are women, the figure having fallen this year.

142. The list of female diplomats serving abroad includes:

United States of America	5
Peru	1
Brazil	2
Canada	1
Hungary	1
Venezuela	2
Mexico	1
Australia	1
Chile	2
Spain	1
Switzerland	1
Sweden	1
Russia	1

143. In central offices, women are represented as follows:

3 ambassadors;
1 minister;
2 counsellors;
5 first secretaries;
7 second secretaries;
15 third secretaries.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

144. This article establishes the duty of States parties to grant equal rights to women and men in respect of nationality.

145. In Ecuador, article 8 of the Naturalization Act provides that a married woman does not need her husband's authority to apply for naturalization.

146. The general rule does not allow Ecuadorian nationals to have another nationality in addition, but there are exceptions in those cases in which Ecuador has signed a convention on this subject with other countries, e.g., Spain and other Ibero-American countries.

147. The regulations governing the loss of nationality are the same for both men and women. The law provides that Ecuadorians can lose their nationality only for the following reasons:

1. Conviction for treason;

2. Naturalization in another country except Spain or an Ibero-American country;

3. Cancellation of naturalization papers already acquired.

148. In addition, Ecuadorian nationality may be lost in the event that a husband acquires another nationality if in the foreign country whose nationality he acquires the fact of its acquisition by the male spouse means that his children and wife also acquire it.

149. In that case, the wife and children also lose their Ecuadorian nationality, but they nevertheless retain the right to recover it upon dissolution of the marriage or when the children attain the age of majority.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.

This article requires States parties to the Convention to take appropriate measures to eliminate discrimination against women in the educational system.

150. Formal education is one of the basic elements for human development. In Ecuador, however, together with other social problems, there are various hindrances to women's access to this right.

151. Although recent years have witnessed an increasing presence of women at various levels of education, statistics show that there is also marginalization, a high drop-out rate and discrimination in this area, especially among rural women, among whom, until 1982, the highest rate, 28.9 per cent, of illiteracy was found. In urban areas, seven out of every 100 women cannot read or write, the national figure being 17 out of every 100.

152. The educational services, which are becoming more and more limited in relation to the social demand, do not match up to the country's development requirements. As can be seen, nationally there is still a high percentage of rural single-teacher schools. Despite the "compulsory" nature of primary education, almost 22 per cent of the school-age population remains outside primary education. Only 30 per cent attend pre-school centres, and of these, 80 per cent of the children enrolled live in urban areas. This means that children in rural areas have virtually no access to pre-school facilities.

153. It is currently calculated that 86 per cent of the population of Ecuador is educated to the primary level, but these data conceal significant problems in children's schooling, such as, for example:

- Only one third of children enrolled attend classes at the proper age;
- Half of all rural schools have only one teacher for all classes;
- Repetition and the drop-out rate are very high: 25.9 per cent of all pupils left school in 1989 between the first and third grade. Of this number, most lived in rural areas, where the figure was 33.8 per cent, compared with 16.8 per cent in urban areas.

154. Because of the obvious "preference" given to boys in the family, girls are the most affected by this pattern. This explains why almost 30 per cent of rural women have a low level of education, to the third grade at the highest.

155. With regard to repetition in school, a study carried out by UNESCO in 1989 shows that there is a serious problem, since "almost a third of pupils repeat the first year and, in the case of pupils from the lowest economic strata, repetition is as high as 50 per cent".

156. There is a massive failure in the lower grades of primary education, particularly in marginal urban and in rural areas.

157. Fragmentary information suggests that young people involved in harvesting leave school after five or six months' study and re-enroll in the following school year, thus generating a vicious circle of constant repetition.

158. The high drop-out and repetition rates may be explained by the socio-economic conditions in which families live and internal problems in the educational system.

159. The poverty characteristic of Ecuadorian families forces parents to withdraw their children from school so that they may contribute to the family economy from a very early age.

160. Secondary education in Ecuador lasts for six years and is divided into two periods: years one to three - the basic cycle, and years four to six - the advanced ("diversified") cycle.

161. Until about 1988, the enrolment figure for girls in urban areas was 342,507, while the figure for boys was 327,921.

162. In rural areas, 41,225 girls and 52,178 boys were enrolled.

163. Our eductional system is authoritarian and based on repression, fear and punishment, particularly in rural areas where boys and girls are forced to memorize facts.

164. The "curricula" taught are alien to the needs and realities of the country. The images transmitted are essentially masculine and élitist. History is presented as an epic of individual heroes operating outside the social processes. The involvement of the people and the contribution of women is ignored.

165. Formal and informal education perpetuates the male ("macho") prejudices that repress women, confining them to the traditional role of daughter, wife, self-denying mother and second-class citizen. Teachers are agents who transmit and reinforce these prejudices.

166. Current stereotypes, textbooks, teaching materials, the entire curriculum, acts and attitudes, incentives, vocational guidance, "identification" with predetermined roles and the distribution of functions within the school perpetuate sexism in the educational system.

167. Education attributes strictly emotional strengths to women, while achievement and technical skills are presented as the natural birthright of men. Teachers, in line with current cultural thinking, encourage initiative in boys and discipline in girls.

168. Generally speaking, the models held by society as a whole and particularly the family, school and mass media psychologically reinforce sexist roles and stereotypes from infancy, thus perpetuating discrimination against and subordination of women.

169. Another discriminatory factor in education is the establishment of **separate educational institutions**, especially private ones, which prevent coeducation and healthy communication between the sexes.

170. In the **teaching profession**, 94.5 per cent of teachers in pre-primary schools are women, 64.8 per cent in primary and 42.2 per cent in secondary. Although, overall, women teachers outnumber men, there is a high degree of discrimination against women at the administrative level in education, where the main administrative and technical functions are performed mostly by men, who sometimes lack the proper professional background.

171. **Women's poor educational level** restricts their entry into well-paid employment. Most women work, for low wages, in domestic service, farming and crafts.

172. Among the **middle class**, vocational choices are stereotyped in accordance with the cultural environment, since in fact these choices are made on the basis of roles assigned to men and women in a society where a social and sexual division of labour persists. Although in recent times women have

entered the secondary and higher institutions of learning in larger numbers, they still tend, at the secondary level, to prefer traditional women's careers, such as secretary, handicrafts and bookkeeping, and at the higher level to choose nursing, obstetrics, social services, chemistry and pharmacy, which are related to the roles traditionally assigned to women.

173. Ecuador has embarked on a Government-sponsored **literacy campaign** focusing on the high level of illiteracy among the female population, a revealing indicator of the high degree of discrimination against women.

174. As shown by Ministry of Education statistics, women account for 60 per cent of all illiterates in Ecuador, a situation that is further impeding their integration on equal terms into society, the economy, the legal system and political life.

175. Although opportunities for education have been gradually opening up for women, arrangements between young couples, owing to the inherent nature of women, generally mean that it is the woman who defers to the man so that he can receive vocational training, while she assumes the duties traditionally assigned to her in respect of household work.

In the Amazon, Sierra and Island regions, the percentage of female illiteracy is much higher compared with that of men, as can be seen in the following table:

Number and percentage of illiterates among the population aged 10 years and over

Level	Men		Women		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
National	342,969	12.1	501,565	17.4	844,534	14.8
Sierra	153,100	11.6	290,231	20.6	443,331	16.3
Coast	175,974	12.5	192,413	13.9	368,387	13.2
Amazon	11,121	11.7	16,247	20.9	27,368	15.8
Island	185	6.8	203	11.1	388	8.5

Source: ILDIS, Ecuador Statistics 1988.

Note: Does not include undefined zones.

176. This is one of the aspects that the current literacy campaign in the country is attempting to overcome, basically with the direct collaboration of secondary educational establishments and also the National Directorate for Women.

177. The Ecuadorian Institute for Educational Credits and Grants (IECE), a State body responsible for the overall planning and execution of the

educational credit programme at the national level and for the central administration of grant programmes with national and international funding, is in the process of implementing two programmes:

(a) Educational credits - loans granted to Ecuadorians who have shown academic merit but lack sufficient money for the purpose of enabling them to finance their training in whole or in part and make it easier for them to take advantage of the educational services to which they are entitled; and

(b) International grants - administration of grant programmes offered to Ecuador both by friendly countries and by international organizations.

178. Given the imbalances and shortcomings in our educational system, there is a need to redirect it in line with the economic and social development objectives of the nation as a whole. It must be made democratic so that it will reach all corners of the country and put an end, once and for all, to the stream of illiterates and semi-illiterates that it is currently producing year after year. There is an urgent need to improve education both quantitatively and qualitatively so that it will ensure "equality of opportunity" to Ecuadorian men and women in all regions regardless of class, ethnic origin or sex, as required by the Constitution of the State.

179. It is essential to change the educational curriculum, stripping it of all expressions of male domination, so that, in line with the actual conditions in the country, it can help to forge new generations that are more true to themselves and creative, more scientifically minded and dynamic, and above all more socially aware and united so that they may make a decisive contribution to the social change that can no longer be put off.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

180. This article establishes the obligation of States parties to the Convention to eliminate discrimination against women at the workplace, since the right to work is an inalienable right of every human being, regardless of sex, as recognized in article 3 of the Constitution of Ecuador.

181. In Ecuador, women may legally perform the same work as men. The only distinction recognized in the Labour Code relates to weight limits for manual lifting by women up to the age of 21 years or to very hazardous industries.

182. However, as we have indicated earlier in this report, our Labour Code discusses women in the same chapter as minors. The legal provisions equate women's work with the work of minors, a fact that places women in a situation whose effect is to reinforce the idea of weakness, since this same chapter contains the rules relating to maternity, nurseries, etc. The impression is thus created that these circumstances imply a lesser ability to work on the part of women.

183. The employment law provisions regarding pregnant women, nurseries and nursing, and the equation of women's and minors' work have already been discussed in the chapter on article 2 of the Convention in connection with the draft legislative reforms proposed by the Special Commission for Women, Children and the Family, bills that we hope will be written into the legislation of the Republic.

184. Another labour requirement in Ecuador is that one must have reached the age of majority, i.e., 18 years, in order to begin working without parental consent. This requirement is of a general nature and applies to both men and women. To work between the ages of 12 and 14 years, an order of the Juvenile Court is required in addition to parental consent. It is supposedly forbidden for girls and boys under the age of 12 years to work, but daily, as a result of the economic and social situation in the country, we see hundreds of girls and boys working the streets in the informal sector of the economy.

185. Both male and female workers in private enterprises are entitled to 15 days of leave a year and, after five years of service, to an additional day for every year. Workers under the age of 16 years are entitled to 20 days' leave a year. The entitlement in the public sector is 30 days' leave a year.

186. Legally, both men and women have equal employment rights. The law (article 38 of the Labour Code) recognizes equal pay for equal work without distinction on the grounds of sex, race or religion. Despite this, work performed by women outside the home is less well-paid than that of men and, in addition, women's work in the home is not valued as such and thus is not remunerated as paid employment. In fact, a woman's wages are regarded as supplementing those of her husband.

187. In theory, therefore, we see that both men and women have the right to equal pay, the right to indemnification for accidents at work and job-related diseases, the right to compensation for early termination of their work contract, etc., but the reality is otherwise. For cultural reasons, different functions have been assigned to each sex, which means there are male jobs and female jobs.

188. In Ecuador, **social security** is an institution through which the State, relying on proportional contributions by the insured, endeavours to protect the health of the contributors.

189. Employers are obliged to enrol their workers in the social security scheme from their first day of work, even when there is a probationary period. Public and private sector employees, workers and artisans, men and women are all covered equally. Self-employed workers, male and female, may also join on a voluntary basis.

190. A female worker who is a member of the scheme may, in the event of illness, maternity, disability or unemployment, seek medical assistance, maternity care, pensions and subsidies. In the event of the death of the spouse, she is entitled to a widow's pension. Should the female contributor die, the family receives a death grant, and minor children receive orphans' allowances. To cover an illness of up to six months' duration, there is an entitlement to a temporary sickness benefit and the proper medical care.

191. Pension provisions, for disability or old age, are among the most important social security benefits, for both men and women, since they generally constitute an entitlement to a pension for life. There is also a legislative decree dating back to 1979 under which women have the right to apply for a pension after 25 years of work, regardless of age and at the rate of 100 per cent of their wages or salary. This decree has not been implemented due to inertia on the part of employers and the lack of money in the social security system with which to meet these obligations.

192. The rules governing the different types of pensions are extremely varied.

193. The unemployment benefit is another of the benefits to which working women are entitled, on proof of payment of at least 24 contributions and provided they have been unemployed for more than 60 days. It consists of the payment of a sum of money to contributing employees who, having been employed, remain without employment or are granted a pension on grounds of disability or

old age. The amount is calculated on the basis of the employee's length of service and her earnings in accordance with a table established by the Ecuadorian Social Security Institute.

194. Widows' and orphans' benefits consist of pension benefits to the widow and children of a contributor on his death. These monthly pensions come from the widows' and orphans' fund.

195. There is also a so-called "funeral expenses fund", from which a specified sum of money is paid to the relatives of the deceased.

Labour

196. According to the fourth census conducted in 1982, the total population of the country numbered 8,060,712 persons, of whom 4,039,678 or 51.8 per cent were women. There were 2,039,678 women in urban areas and 2,000,000 in rural areas. In rural areas, the EAP totalled 59 per cent. Women accounted for 7.5 per cent of the EAP.

197. In urban areas, out of every 100 women, 26 work in services, 19 in professional and technical jobs, 16 in administration, 15 in commerce and sales, 13 in non-agricultural activities, eight in agriculture, and five in management and the higher grades of the civil service.

198. In rural areas, out of every 100 women working in the countryside 40 are engaged in agricultural jobs, 18 in non-agricultural jobs, 12 in services, eight in professional and technical jobs, seven in commerce and sales, three in administration and one in management and the higher grades of the civil service.

199. In urban areas, an additional problem facing Ecuadorian women, specifically women living in the suburbs of the large cities, is the increasingly disturbing appearance of women heads of household. In Quito and Guayaquil, women already head 30 per cent of working-class homes, a development that has brought such familiar and harmful consequences as inadequate income, growth of the informal sector of the economy, spreading street work by children, crime, prostitution, drug addiction and others.

200. To this situation is added a high degree of gender-based discrimination, which, despite the efforts undertaken, particularly by the various women's movements in recent years, it has not been possible to overcome. This is particularly true of the integration of women into the employment market, where, because of the skills required for jobs, their role as mothers places them at a disadvantage.

201. According to the 1982 census, women account for 50.1 per cent of the national population. Out of the total economically active population of 2,346,063 persons, 1,861,652 are men and only 484,411 (less than 30 per cent) are women.

202. Of the female EAP, 74 per cent are involved in domestic work, where, in the face of low income, declining consumption and the impossibility of saving, they can be found performing a variety of tasks. The large-scale migratory

movements explain why women are in the majority in street vending and prostitution, a situation that ties in with their role as mothers, wives and unpaid domestic servants, all the more if we take into account the large number of single-income mothers who head families in marginal urban sectors.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

203. The notion of women's health is understood as referring to a state of physical, psychological and political well-being on a basis of equality with men.

204. All this might be regarded as highly utopian, the objective being to achieve a goal requiring quantification through the use of indicators to make it possible to approach the concept of "healthiness", i.e., the fact and feeling of well-being on the part of human beings.

205. The consideration of gender in epidemiological analysis provides, along with the study of other social variables, a theoretical explanatory key to understanding the health-sickness process, since reference to women is more than just the biological identification of one of the sexes.

206. If we are to speak of women's health, we must establish clearly the way population dynamics and social change interact to produce risk factors, such as women's working conditions, long, exhausting days of hard work, mistreatment, violence, etc.

207. In addition to external economic and political conditions, such as the country's external debt burden, adjustment policies that are impoverishing the economy have increased the deficit in the health services. The fact is that, under growing economic pressure, 37 of the poorest countries have reduced their spending on health and education (in Ecuador, by 50 and 25 per cent, respectively).

208. What can be stated with confidence is that if the position of women before the crisis was extremely difficult, it has now worsened both in quantitative and qualitative terms.

209. By entering the labour force, women at the poverty level are increasingly combining their domestic activities, which remain unseen, with responsibilities in the production sector. Because of the additional expenditure of energy required this double workload has a detrimental effect on their physical and mental health.

210. Sinking living standards have meant that women are having to overcome cultural barriers and enter the labour market. This has led to greater demands on their physical stamina because of longer working days, lack of rest, and an extremely unstable and uncertain work situation, all of which can ultimately result in nervous exhaustion.

211. For this reason, we believe that women's health, compared with that of men, is subject to greater stress.

212. There are regional variations in Ecuador in life expectancy at birth: in Quito and Guayaquil in 1982 it was 66.7 and 67.7 years, respectively; for the rural population of the Coast and the Sierra, 59.3 and 57.8 years, respectively.

213. The **close relationship between health and education** needs emphasizing. For example, only 15.4 per cent of the children of illiterate mothers are delivered with professional medical assistance as compared with 96.8 per cent of the children born to women with higher education.

214. For the women of Ecuador, the possibility of carrying within them a new human being for nine months, a unique, life-enriching experience, still involves an element of risk. In the last 10 years, maternal mortality has remained at around 1.6 per 1,000 live births, but it is believed that most of these deaths are avoidable. Maternal mortality in Ecuador is eight times higher than in Costa Rica. Moreover, the national rate conceals marked differences between some provinces. In Cotopaxi and Bolivar, for example, the rate rises to 3 and 3.7 per 1,000 live births.

215. In Ecuador, 64 per cent of all births take place without professional care, and three women in every 100 die from causes associated with pregnancy, confinement and post-natal complications.

216. Social security in Ecuador covers only 7 per cent of the population. There are only two maternity clinics in the whole country, which handle some 70 births per day. Percentages of prenatal, confinement and post-natal coverage are still low in Ecuador. Maternal mortality rates would be lower if women had more and better opportunities of access to health services.

217. The incidence of uterine and breast cancer has increased in recent years. Some 600 Ecuadorian women die every year from cancer of the cervix, 200 women are at risk of contracting cervical uterine cancer, and 1,200 women are exposed to the risk of breast cancer. Due to its complexity and the fact that it is caused by a number of factors, the etiology of uterine cervical cancer is the subject of ongoing research, but it can now be stated that this cancer is linked to sexual activity and behaves like a sexually transmitted disease.

218. In Ecuador, **abortion** is illegal, and therefore our information on the subject is very incomplete. Abortion-related complications, such as sepsis and haemorrhaging, do not normally occur at gynaeco-obstetrical clinics, since the patients go directly to intensive care units or surgery, etc.

219. Of all the abortions recorded in the country, 43.4 per cent are for women between the ages of 25 and 34 years. In view of this high percentage, there is a need for a broad-based analysis of the conditions under which women

operate socially and economically. We are convinced that abortion, rather than being an option, reflects a lack of options. Abortion is a response to poverty, lack of unity in the couple, etc.

220. Another health problem faced by women concerns **mental health**, and, more specifically, emotional disturbances, whose most common manifestations are "severe depression" and "schizophrenic disorder", depression being far more common among women than among men.

221. The most frequent causes of death among women generally are diseases of the respiratory tract, intestinal infections, infections in the perinatal period and malignant tumours.

222. Among the risk factors, difficulty of access to medical services stands out, and this has to do both with cultural considerations on the part of the population and with deficiencies in the public health policies. According to CEPAR statistics, only 40 per cent of the female population have access to health-care services. This can be explained mainly by the fact that the majority of poor rural and urban women do not have sufficient time or money to go to health centres. This situation is greatly aggravated by the failure to observe preventive health habits and to adapt health systems to cultural realities.

223. Moreover, deficient sanitary conditions in housing, the reproductive patterns of the population and dietary shortcomings are all factors that heighten the risks to women's health.

224. In summary, there are structural risk factors, biological risk factors (due to the reproductive function of women) and cultural risk factors, the latter due to the failure to adapt medicinal care to the characteristics of the population. An additional factor is the low level of education, since education has a positive impact on public health and the level of women's education remains a problem in Ecuador.

225. The most important causes of disease in women are direct obstetric infections, abortion, uterine vaginal prolapse and malignant tumours.

226. Under the 1980-1981 plan, health policies in Ecuador are concerned with:

- Transmissible diseases;
- Mother and child health;
- Medical care;
- Personnel training;
- Environmental improvements;
- Research.

227. The most important needs to be considered in connection with mother and child health are to:

- Increase prenatal, confinement and post-natal care so as to reduce maternal mortality;

- Increase infant and pre-school care, so as to reduce infant mortality;

- Promote women's health through early detection of breast and uterine cervical cancer;

- Introduce birth control methods;

- Emphasize dental care for children under six years of age and for pregnant and nursing mothers;

- Make available dietary supplements for pregnant and nursing mothers and for pre-school infants at risk;

- Rescue undernourished children;

- Develop a mental health programme and a programme for controlling narcotic drugs and psychotropic substances.

228. Under the heading of family planning, the Ecuadorian State guarantees parents the right to have the number of children that they can support and educate, and at the same time encourages responsible parenthood and appropriate education to promote the family (article 24 of the Constitution).

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

229. This article aims at eliminating discrimination against women in all areas of economic and social life.

230. In Ecuador, this right is guaranteed under article 19 of the Constitution, which provides that women, whatever their marital status, have the same rights and opportunities as men in all institutions of public, private and family life. Every person is entitled to the inviolability of his or her life, to personal integrity and to the right to full moral and material development.

231. In Ecuador, do women, especially married women, have access to loans, mortgages and other forms of financial credit?

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health-care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

232. This article calls attention to the specific problems of rural women by requiring States parties to adopt the necessary measures to eliminate discrimination against women in rural areas.

233. In Ecuador, under the Ministry of Social Welfare, there is an Office of the Under-Secretary for Comprehensive Rural Development, whose purpose is to formulate, implement and evaluate comprehensive rural development projects. The projects are based on a global approach and are designed to involve the country population in tackling the problems of disadvantaged rural sectors. Thus, in 1989, this Office, together with the National Directorate for Women, developed specific programme proposals for women in 20 comprehensive rural development projects.

234. The Ministry of Agriculture and Livestock, through its Department of Appropriate Technology for Women, was formerly engaged in 20 community development projects. It is currently trying to extend the scope of the projects in cooperation with the National Directorate for Women.

235. In the social security area, there are two types of social security for rural workers:

- The agricultural workers' scheme, for those employed by another in agricultural activities;

- The rural dwellers' scheme, for members of communes, committees and other kinds of rural organizations, and for rural dwellers who are not members of such organizations but wish to join the social security scheme.

236. Both schemes offer the following benefits:

- Sickness;

- Maternity;

- Dental care;

- Job hazards;

- Old-age pensions;

- Funeral grant.

237. In Ecuador, the rural economy is based on the family unit, whose farm and artisanal production is intended for its own consumption and to a lesser extent for the market.

238. Women participate in the entire process, from production to distribution, so that their economic role in the way these units function is of particular significance. Women also work for wages at certain times of the year. They also bear the prime responsibility for all tasks connected with bringing up children, tasks that they perform in very difficult circumstances.

239. In the Sierra, migration has substantially altered the division of labour between the sexes. Previously, housework was regarded exclusively as women's work and the cooperation of the men was a complementary factor. Changes due to migration have meant that men are tending to involve themselves less and less in domestic tasks, as a result both of their absence and the cultural influences to which they are exposed, i.e., the acquisition of white and mixed-race (mestizo) values in the towns. The resultant redefining of the division of labour involves not only the wife and mother but all the women (including girls and old women) in the family.

240. Agricultural studies indicate that there is a trend towards a "feminization of agriculture" because of migration. In the region where the study was carried out, the rate of female participation in sowing, harvesting and grain selection was 61.14 per cent, and weeding was found to be a predominantly female activity.

241. In livestock production, herding is a predominantly female task (78.20 per cent). It should also be emphasized that the extent of female involvement varies from community to community depending on the level of migration, i.e., greater male migration results in more extensive female participation in livestock production activities.

242. Craft production is a complementary activity that varies from one area to another. In some parts of the Sierra, craft products are used by the producers themselves, while in others they are the main source of income for the rural production unit. Certain artisanal tasks, such as carding and spinning, are specifically female, while shearing is a shared task and in some communities weaving is predominantly, but not exclusively, men's work.

243. Concerning the marketing of these products, decision-making is shared between men and women. Women are individually responsible for going to the market to buy and sell the necessary products.

244. On the Coast, the boom in agricultural production for export has substantially altered production relationships. Currently, production for export, mainly of rice, and small-scale subsistence farming exist side by side. Rural women on the Coast combine subsistence farming with the preparation and sale of food, in addition to selling their labour for temporary jobs in agriculture or the service sector.

245. In Amazonia, on the other hand, women have always been and continue to be the main principal practicioners of slash-and-burn agriculture. At present, colonization is rapidly expanding, with the result that more and more women are working in services near oil-drilling, logging and African palm-growing sites, these being activities that have taken off impressively in recent years.

246. Credit policy accords high priority to food production for consumption by the urban population and particularly to production on the Coast (rice and hard maize). Other, lower-priority crops are those of the Sierra and those grown for export.

247. A very important category is livestock, which in 1987 was comparable with the heading of "these two types of investment result in the displacement of agricultural-workers and have a negative impact on job opportunities in the rural sector.*" It is clear that, on this scale, rural women have virtually no access to credit because, since they do not own land or titles to property to guarantee their credit-worthiness, they are not eligible for loans, and also because what they are able to produce is primarily for their own consumption.

248. Income-generating micro projects have given rise to a small-scale credit-line for rural women. These projects are carried out by State and non-governmental agencies, cover a very small part of the population, and have generally not produced good results since they have failed to take account of the fact that women are overburdened with work so that it is difficult for them to include new activites in their working day.

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* Translator's note: This sentence appears to be garbled in the original.

249. In summary, it can be seen that the changes in society and agriculture introduced by modernization and the economic crisis have redefined the division of labour between the sexes in subsistence sectors of the rural economy, something which has led to a lengthening of the working day and of domestic tasks. They have not, however, been reflected in the same way at the decision-making level.

250. This situation has also led to greater participation by children, young and old people in production tasks. This is more serious for girls and young people since it affects their school attendance and education.

251. Modernization in agriculture and the targeting of credit has helped to devalue further the productive capacity of women, who, when they do obtain paid work, do so in very unfavourable conditions, with no job or social security. They are also paid less than men.

252. This situation in Ecuadorian farming, which has been aggravated by the crisis that began in 1982, has mobilized women behind demands for better standards of living. This has also occurred in urban areas, but it is in rural areas that women have a tradition of organization dating from the 1960s and 1970s, a process related to the agrarian reforms of 1962 and 1974. During this period, women played a predominant role in everything connected with the basic infrastructure, mobilization and defence of the right to land. Nevertheless, Ecuadorian legislation did not permit the granting of estate property titles to women, but only to the "head of household" (a male). It was only with the legal reforms of June 1989 that this possibility became available.

253. In quantitative terms, the organization of women in Ecuador is more advanced in rural than in urban areas. However, dispersion and isolation are factors that have a bearing on the absence of women in public and political functions at the national level. Women's demands relate to their basic needs. Behind the implicit or explicit options for organizations there would seem to be the search for true survival strategies. This right to organize groups and participate as individuals in cooperatives and other programmes is recognized by the State.

254. One particular endeavour that might be mentioned is the effort by organizations of indigenous women to combine demands for basic needs with the development of a gender-based and ethno-cultural identity. One of the identifying features of the indigenous women's organizations is that their basic aim is to gain recognition for the role of women as reproducers of the native culture and the primary agents in the social development of children and young people within the family unit and the community. This upgrading of women as the perpetuators of an Indian cultural identity should be understood as a chance to preserve an evolving and oppressed culture, which in turn means recognizing the capacity of women for cultural resistance and their ability to stand up to the centres of power in pursuit of their rights.

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights.

255. This article specifically relates to the notion of the equality of men and women before the law.

256. We have already indicated that the legal, economic and social equality of men and women is enshrined in the Constitution of Ecuador.

257. In this sense, Ecuadorian legislation provides for equal treatment of women and men in the courts so that women can sue and be sued in their own name. Lawyers can represent their clients before the courts.

258. In private law, women have the right to enter into contracts in their own name. They also have the right to administer property. They may also be executors or trustees of inherited estates.

259. Since its ratification, the Convention has become the law of the Republic so that contracts restricting the legal capacity of women are illegal.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

260. This article requires States parties to adopt appropriate measures to eliminate discrimination against women in family relationships and marriage.

261. In Ecuador, family and marital relations are governed by the Civil Code. The Constitution of the Republic guarantees legal equality between men and women in this area. The latest reforms of the Civil Code, analysed in this report in the comments on article 2 of the Convention, are intended to give effect to this principle.

262. Article 22 of the Constitution recognizes the family as the basic unit of society and guarantees it the moral, cultural and economic conditions required for its development, i.e., to enable all its members - father, mother and children - to live in a proper manner.

263. Both men and women have the right to choose a spouse and to marry only with their full and free consent; this applies except when the parties are minors, in which case the authorization of the father or the legal representative of the minor party is required (the age of majority is 18 years for men and women). If this authorization cannot be obtained, the Juvenile Court must authorize the marriage.

Marriages and divorces are recorded in the Civil Register.

264. In marriage, rights and duties must be exercised under equal conditions by both parties, husband and wife. The duties of the spouses are to help each other, to be faithful to each other, to establish their residence by mutual agreement, to contribute to the best of their ability to maintaining the home, and to respect each other.

265. Polygamy is not permitted under Ecuadorian law.

266. Article 23 of the Constitution regulates the situation in which a man and a woman live together outside of marriage, in recognition of the fact that this is a social reality both in the Sierra and on the Coast, particularly among the common people and young couples. Article 23 states: "The stable and monogamous union of a man and a woman, not married to other persons, who form a de facto household, for the period and under the conditions and cirumstances specified in the law, shall give rise to a property partnership that shall be subject to the rules governing a marriage partnership, to the degree that they are applicable, unless a different economic system or a system of family property for the benefit of their common children is stipulated". The law governing de facto unions lays down the following requirements for the recognition of such a union:

- It must be stable;
- It must have lasted for at least two years;
- It must be monogamous;
- Both parties must be free, i.e., not married to another person.

267. The rights and responsibilities of both cohabitants are similar to those of the spouses in a marriage. Since the law is silent on the subject of the children of de facto unions, such children must be voluntarily recognized (by means of a public document signed in the presence of a judge and three witnesses, through a will or by a personal declaration registering the child before the Director of the Civil Registry Office) or a court decree must be sought.

268. Article 24 of the Constitution promotes responsible parenthood, in that it makes parents aware that they are responsible for the birth of their children, their development, general welfare, education, and physical, moral and intellectual development, a responsibility that is lifelong. For all of these reasons, parents have the right to choose how many children they are going to have. This is a free and voluntary decision by the couple, in accordance with their consciences and the circumstances in which they live.

269. About 95 per cent of women in urban areas and 77 per cent in rural areas have knowledge of one or more methods of contraception.

270. Of the total number of women of child-bearing age, 33 per cent in urban areas use contraceptives and 19 per cent in rural areas, which gives an average of 27 per cent for Ecuador as a whole. The level of education is the main factor influencing knowledge and use of modern birth control methods. Only 17 per cent of illiterate women use contraceptives, as opposed to 37 per cent of those who have completed primary education and 60 per cent of those who have completed secondary or higher education.

271. The reproductive health of women is threatened by various economic and social factors, continuing difficulty of access to education, and an inadequate understanding of their own reproductive capacity, a situation aggravated by the still inadequate coverage of the health and sanitation services, particularly in rural areas. Under these conditions, the free exercise of the right to responsible procreation cannot be taken for granted, owing to lack of information, means and services.

272. Since the family is a small-scale reflection of society, we regard the phenomenon of violence in the home as a barometer of the socio-cultural reality. Moreover, marital violence should be seen in the context of the culture of the society as a whole: male strength and power of women, physical violence and verbal violence, play and fight, ritual and routine, weak wife and strong wife ...

273. In Ecuador, there are no statistics on the victims of violence against women, but we do know that women of any age or status may be victims. The most important measure against this kind of aggression is reporting, but given the small number of reports submitted, we consider it essential to begin education on these issues from childhood.

274. Our Criminal Code does not at present include the offence of violence within marriage, but as a result of the work of the study groups on legal reforms to the Criminal Code organized by the Special Commission for Women, Children and the Family, a draft law on reform of the Criminal Code has been submitted to the Congress. This bill consists of 30 articles designed to eliminate discrimination against women and create new offence categories, such as rape by one or the other of the partners in a stable couple, whether or not they are married.

275. Women have the same rights as men, regardless of marital status, to take decisions on the education of their children. They are entitled to exercise this right freely, in accordance with their beliefs, although in practice their behaviour is frequently heavily influenced by the will of their husband or the man they live with. Women are also entitled, in the same way as men, to act as guardians, custodians or trustees of minors.

276. Parental authority is concerned with property relationships and with the representation in and out of court of minor children who have not yet been emancipated. Initially these rights were granted to the father. In the latest reforms of the Civil Code mentioned above, 18 of the 26 articles of Title XI on parental authority have been amended and article 320 has been deleted. Almost all the changes are designed to give the mother the same rights and obligations as the Law assigned in the first instance to the father.

277. In its present wording, article 325 provides that in the event of the separation of the parents, that parent in whose care the child remains shall have parental authority. This wording ("separation of the parents") covers single parents, separated spouses, parents in free unions, etc.

278. With regard to personal relations between parents and children, the reform has made progress by extending the same rights to the mother as to the father, by specifying that the parents have not only the right but indeed the duty to guide the education of their children, and by finally eliminating differences in the degrees of obedience owed by children according to their status and the manner in which they have been recognized. Law No. 43 provides that both parents are entitled to guide the education of their children.

279. In Ecuador, property acquired jointly or separately by the spouses during the marriage becomes part of the conjugal property. Also incorporated into the conjugal property are salaries and fees from work, occupation or profession jointly or separately earned by the spouses; income from joint assets; and perishable goods and chattels contributed by the spouses to the conjugal property or acquired during the marriage.

280. The administration of the conjugal property implies the carrying out of all such acts as are required for the proper maintenance of the family. In all other matters, both spouses must act jointly or either one of them may act if authorized by the other.

281. Prior to the above-mentioned reforms to the Civil Code, the routine administration of the conjugal property was legally the prerogative of the husband. Following the reforms, the role of administrator will be performed by whoever, husband or wife, is designated at the time of the marriage or in the marriage contract. However, in the absence of a designated administrator, it will be the husband.

282. A situation requiring the extraordinary administration of the conjugal property arises when the spouse designated as administrator has been placed under judicial disability or is absent for more than three years without communicating with the family.

283. In addition, women have the same rights as men to own, administer and dispose of personal property not included in the property of the marriage,

namely: goods received by the spouses as gifts or legacies; money or other assets received in settlement of a loan granted prior to the marriage; real estate acquired in replacement of other real property owned by either of the spouses prior to marriage; and everything that adds to the personal property of either spouse.

284. In Ecuador, there are two ways of obtaining a divorce. The first is by mutual consent. The second is on grounds contemplated in the law in cases where one of the spouses does not consent to the divorce. These grounds are: adultery; cruelty; serious abuse and hostile attitude; serious threats by one spouse against the life of the other; an attempt on the life of one spouse by the other, either as perpetrator or accomplice; the delivery by the wife of a child conceived prior to the marriage; the attempt by either of the spouses to compromise the other or the other's children; serious, incurable or contagious disease on the part of one of the spouses; habitual drunkenness or drug addiction on the part of one of the spouses; separation for a period of more than three years without conjugal relations. These grounds for divorce may be cited without distinction by either of the spouses, husband or wife.

285. In the event of divorce, the mother has care of boys up to the age of 14 years and of girls of all ages. Boys between the ages of 14 and 18 years and girls between the ages of 12 and 18 years may choose with which parent they wish to live. However, a father or mother who has been proven to be physically or morally incapable of caring for the children, or who was the cause of the divorce, does not have a right to custody of the children.

286. In practice, it is almost always the mother who is awarded custody of the children.

287. A pressing problem in Ecuador today is the failure to pay maintenance for minor children from broken homes or single-parent families.

288. To deal with it, the Commission for Women, Children and the Family drafted and in January 1991, submitted to the Plenary of the Legislative Committees of the National Congress a draft law on the provision of supplementary maintenance payments for minors. This bill provides for the setting up of a fund so that where maintenance is not paid, the fund makes up the difference, later taking recourse action against the defaulter, who, in addition to the back payments, will also have to pay interest at market rates. Funding has been sought through public funds and public and private donations. This draft law is based on constitutional principles and on the precepts and principles of the Convention on the Rights of the Child.

289. In the event of divorce, the judge is empowered to make the necessary dispositions for the security of the property during proceedings for divorce, dissolution, liquidation of the conjugal property or any other dispute between the spouses in order to safeguard it until there is an inventory of the joint assets and a distribution of those assets.

Methodology used in Ecuador in preparing the report in accordance with article 18 of the Convention

1. The office responsible for coordinating, gathering and analysing the information required by the Convention and described in the general guidelines on the form and content of reports received from States parties, under article 18 of the Convention, and in the general recommendations of the Committee on the Elimination of All Forms of Discrimination against Women, is the National Directorate for Women (DINAMU), which prepares the report in collaboration with other governmental and non-governmental organizations.

2. Ways of gathering information

- Through surveys providing a complete list of the organizations active in the country;
- Through inquiries addressed to each of the organizations regarding the results of its research;
- Through the Documentation Centre, a centralized source of information from both national and international organizations through NGOs;
- Through permanent and systematic liaison between the organized community and the public and private agencies responsible for the social development of children, women and the family.

3. Work of national mechanisms and non-governmental organizations

As part of its approach to women's problems, the national Government has implemented comprehensive programmes designed to promote women and integrate them into society, in full enjoyment of their rights. It seeks to do this through the kind of interministerial and interinstitutional coordination in which public participation plays a major role, as part of a process of organizing and strengthening the people. The aim is to achieve a harmonious balance between social needs and demands, and possible institutional responses in the form of contacts with leaders and organizations, meetings with local people, research, analysis and reflection on the facts, and the proposal of alternative solutions.

4. Coordination between governmental and non-governmental organizations

Coordination as an instrument for integrating and supporting the countless actions undertaken by various government organizations, NGOs and others has developed into an advanced process aimed at avoiding duplication of effort, saving human and economic resources, and above all strengthening the actions taken, in concert with the beneficiary grass-roots organizations with the goal of ensuring their maximum involvement.

In this connection, it is worth while mentioning the coordinating events organized by the National Directorate for Women, whose primary purpose has been to identify the objectives, actions and achievements of organizations working for and with women. The emphasis in these events has been on the analysis of women's problems, especially as regards discriminatory treatment of women in national life, and on the identification of models to become mechanisms for eliminating such discrimination.

As a result of the last event, in which representatives of 30 organizations took part, a commission was set up with the task of organizing the Ecuadorian Women's Council, a body that will bring together all sections of the female population through representatives who will become their voice in the study of problems and in the discussion of measures of national interest.

The objectives of the Council include proposing reforms or the enactment of new laws to eliminate discrimination against women in Ecuador.

5. Problems connected with the compiling of information

The fundamental problem in Ecuador in connection with the compilation of information concerns the lack of statistics on the subjects in question, since such statistics are very few and not properly organized.

There is a lack of appropriate coordination between the National Institute of Statistics and Census (INEC) and other institutions that gather and compile information.

There was a lack of government support in 1984 and 1988 for updating the research.

Time for conducting exhaustive research on the subject is very limited.

There is a lack of interinstitutional communication. Recently, in 1989, INEC was requested to include female-specific information in order to substantiate the data for the formulation of programmes in this area.

Dissemination of the Convention in the country in accordance with general recommendations 6 and 10 of the Committee on the Elimination of Discrimination Against Women

Communication is an essential instrument for reaching social groups. Its linking function permits the circulation of messages between different interested groups, enabling those whom it reaches to organize themselves and participate in the various activities aimed at improving socio-economic conditions.

In social development projects, communication plays an important role. The use of the mass media contributes to the involvement and support of the decision-making authorities for the work of the National Directorate for Women.

In addition, the alternative communication media provide a suitable means of enabling women's organizations to become aware of and mobilize themselves for projects for their development.

The general aim is to publicize, through the mass and alternative communication media, social, economic and legal issues that encourage the involvement of women in national life, to devote more coverage to the social sectors concerned, and to call on other, alternative media that support the organization and participation of women.

The specific objectives are the following:

- To prepare printed and audio-visual material for use in training women from among lower-income population groups;

- To restore value to the expressions of our people's native culture.

- To provide training in communication so as to enable women to develop their own alternative means of communication.

Public education in the country in relation to the Convention

In the field of public education, nothing, in fact, has been done to implement the recommendations of the Convention. This is a critical aspect to which we should devote attention, given the importance of education to the advancement of women and thus to the development of the country.